

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0631****CANTEX v. GILES ENGINEERING****Appellate Case Information**

Case Filed: 23-Sep-2015

Case Closed:

Dept/Composition

Consolidated with:

1 CA-CV 15-0620**Side 1. CANTEX, INC., a Delaware corporation, Plaintiff/Appellee****(Litigant Group) CANTEX INC**

- Cantex Inc

Attorneys for: Plaintiff/Appellee

George I Brandon, Esq. (AZ Bar No. 17947)

Donald A Wall, Esq. (AZ Bar No. 7522)

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Side 2. GILES ENGINEERING ASSOCIATES, INC.,**Third Party Defendant/, Appellant****(Litigant Group) GILES ENGINEERING ASSOCIATES INC**

- Giles Engineering Associates Inc, Third-Party Defendant

Attorneys for: Third Party Defendant/Appellant

Thomas H Crouch, Esq. (AZ Bar No. 20134)

Kurt M Zitzer, Esq. (AZ Bar No. 14110)

Spencer T Proffitt, Esq. (AZ Bar No. 27455)

CASE STATUS

Dec 19, 2016....At Issue

PREDECESSOR CASE(S)

MOH S8015CV201100076

Cause/Charge/ClassBreach of Construction
Contract**Judgment/Sentence****Judge, Role <Comments>**Lee Frank Jantzen,
Authoring Judge of Order**Trial****Dispo****OPEN DUE DATE****Additional Record Due****Due By:**

Tuesday, January 17, 2017

Re: FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

37 PROCEEDING ENTRIES

- 23-Sep-2015 FILED: Index of Record, Notice of Appeal from Mohave County Superior Court filed 09/11/15
- 23-Sep-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries
e-Exhibits: List and Admitted # E1 E2 E3 E7 E11 E12 E13 E14 E19 E20 E21 E21 E22 E23 E26 E34 E42 E44 E45 E50 E56 E57
E62 E63 E64 E65 E66 E73 E75 E81 E106 E107 E117 E132 E133 E135 E148 E149 E161 D163 E168 E170 E175 E180 E181
E182 E184 E185 E193 E203 E214 E220 E224 E227 E228 E229 E230 237 E240 E263 E264 E265 E266 E287 E228;
Reporter's Transcript - 9/23/13 (Theresa A Salsberry); Reporter's Transcript - 9/24/13 (Theresa A Salsberry); Reporter's
Transcript - 9/25/13 (Theresa A Salsberry); Reporter's Transcript - 9/26/13 (Theresa A Salsberry); Reporter's Transcript - 9/27/13
(Theresa A Salsberry); Reporter's Transcript - 12/15/14 (Theresa A Salsberry)
- 28-Sep-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
- 5-Oct-2015 FILED: Appellant's Giles Engineering Associated Inc.'s Notice of Deposit of Filing Fee; Appellant's Certificate of Service (Appellant)
- 5-Oct-2015 FILED: Appellant's Notice of Appearance; Appellant's Certificate of Service (Appellant)
- 7-Oct-2015 RECEIPT No.: 2015-01393 ; \$280.00, Authorization: #79017543810, Applied to: GILES ENGINEERING ASSOCIATES INC - Class A Filing Fee (\$280.00) Paid for: Meagher & Geer PLLP - By Integrated Resource Systems IN
- 13-Oct-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due

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8. 13-Oct-2015 FILED: Appellant's Case Management Statement; Judgment filed on 8/14/15
9. 16-Oct-2015 ORDERED: (Court has reviewed record to determine whether it has jurisdiction over this appeal) Staying appeal and revesting jurisdiction in Mohave Superior Court to consider pending motion for new trial. FURTHER ORDERED: W/in 10 days, appellant shall file a notice w/ this court with ruling attached. FURTHER ORDERED: If a party wishes ruling on motion to be reviewed in this appeal, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file written notice w/ this court status of motion for new trial on/before 11/30/15. FURTHER ORDERED: Vacating 11/27/15 due date for opening brief. Court will set a due date for opening brief after superior court rules on motion for new trial. Melina Brill ProTem Judge - Author
10. 23-Oct-2015 FILED: Cantex Inc.'s Notice of Payment of Filing Fee; Certificate of Service (Appellee)
11. 28-Oct-2015 RECEIPT No.: 2015-01502 ; \$140.00, Authorization: #00019813288, Applied to: CANTEX INC - Class B Filing Fee (\$140.00) Paid for: Squire Patton Boggs (US) LLP - By Integrated Resource Systems
12. 16-Nov-2015 ORDERED: Joint Motion for Procedural Order To Consolidate And Stay Appeal (Appellant) = GRANTED and consolidating case 1 CA-CV 15-0620 with 1 CA-CV 15-0631. Case No. 1 CA-CV 15-0620 is designated primary number. FURTHER ORDERED: Continuing stay of this consolidated appeal and revesting Mohave Superior Court to consider and rule on both motions for trial. FURTHER ORDERED: Within 10 days after superior court rules on motions, appellant shall file a notice w/ this court with rulings attached. FURTHER ORDERED: If a party wishes rulings on motions to be reviewed in this appeal, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file written notice with court of status of both motions for new trial on/before 11/30/15. FURTHER ORDERED: Vacating 11/20/15 due date for opening brief in 1 CA-CV 15-0620. court will set a due date for consolidated opening brief after superior court rules on motions for new trial. Melina Brill ProTem Judge - Author
13. 30-Nov-2015 FILED: Notice of Status and Ruling On Motions For New Trial; Certificate of Service (Appellant)
14. 22-Dec-2015 ORDERED: Notice of Status and Ruling On Motions For New Trial (Appellant) = GRANTED. FURTHER ORDERED: Continuing stay of this appeal for purpose of permitting Mohave County Superior Court to finalize rulings on motions for new trial and hold a trial on attorneys' fees issue. FURTHER ORDERED: Within 10 days after superior court enters ruling on motions and/or enters a ruling on attorneys' fees issue, appellant shall file a notice w/ this court w/ rulings attached. FURTHER ORDERED: If a party wishes rulings on motions to be reviewed in this appeal, party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file written notice w/ this court of status of motions and trial on/before 3/4/16. Melina Brill ProTem Judge - Author
15. 9-Feb-2016 FILED: Notice of Status and Renewed Request For Continuance; Certificate of Service; 2-05-16 Superior Court Order/ Mohave County (Appellant)
16. 26-Feb-2016 ORDERED: Granting Appellant's Renewed Request for Continuance. FURTHER ORDERED: Continuing the stay of this appeal for the purpose of permitting the Superior Court to finalize the rulings on the motions for new trial and attorneys' fees issue. FURTHER ORDERED: within 10 days after the superior court enters a signed ruling on the motions for new trial and attorneys' fees issue, appellant shall file a notice with this court with the rulings attached. FURTHER ORDERED: if a party wishes the rulings on the motions to be reviewed in this appeal, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: directing appellant to file written notice with this court of the status of the motions and the trial on or before 3/28/16. Barbara Vidal Vaught ProTem Judge - Author
17. 25-Mar-2016 FILED: Notice of Status and Renewed Request For Continuance; Certificate of Service (Appellant)
18. 15-Apr-2016 ORDERED: Notice of Status and Renewed Request For Continuance (Appellant) = GRANTED. FURTHER ORDERED: Continuing stay of this appeal for purpose of permitting Mohave Superior Court to finalize rulings on motions for new trial and attorneys' fees issue. FURTHER ORDERED: Within 10 days after superior court enters a signed ruling on motions for new trial and attorneys' fees issue, appellant shall file a notice with this court w/ rulings attached. FURTHER ORDERED: If a party wishes rulings on motions to be reviewed in this appeal, party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file written notice with this court of status of motions and trial on/before 5/18/16. Barbara Vidal Vaught ProTem Judge - Author
19. 18-May-2016 FILED: Notice of Status and Renewed Request For Continuance; Certificate of Service; Exhibit A; Exhibit B (Appellant)
20. 23-May-2016 FILED: Courtesy Copy - Order filed in Mohave County Superior Court on 05/18/2016 re: Attorney's fees and costs

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21. 23-May-2016 ORDERED: Notice of Status and Renewed Request For Continuance (Appellant) = GRANTED. FURTHER ORDERED: Continuing stay for purpose of permitting that court to consider/rule on motions for new trial and attorneys' fees. FURTHER ORDERED: Appellant shall file notice with ruling attached ten days after superior court enters signed ruling. FURTHER ORDERED: If party wishes ruling reviewed, must file timely amended notice of appeal. FURTHER ORDERED: Appellant notice of motions status due 06/17/2016. Melina Brill ProTem Judge - Author
22. 2-Jun-2016 FILED: Notice of Status and Signed Orders; Certificate of Service; Exhibit 1; Exhibit 2 (Appellant)
23. 7-Jun-2016 ORDERED: Reinstating appeal. FURTHER ORDERED: Opening Brief due 07/18/2016. Melina Brill ProTem Judge - Author
24. 14-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Amended Notice of Appeal filed 6/3/16)
25. 29-Jun-2016 FILED: Motion For Procedural Order Extension Of Time To File Appellants Opening Brief; Certificate of Service (Appellant)
26. 30-Jun-2016 ORDERED: Motion For Procedural Order Extension Of Time To File Appellants Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-18-2016 to Wednesday, 08-17-2016. Melina Brill ProTem Judge - Author
27. 17-Aug-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certification of Service (Appellant)
28. 17-Aug-2016 FILED: Appendix for Appellant's Opening Brief (Appellant)
29. 8-Sep-2016 FILED: Motion For Procedural Order To Extend Deadline To File Answering Brief; Certificate of Service (Appellee)
30. 9-Sep-2016 ORDERED: Motion For Procedural Order To Extend Deadline To File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-03-2016 to Wednesday, 11-02-2016. Melina Brill ProTem Judge - Author
31. 2-Nov-2016 FILED: Answering Brief of Plaintiff/Appellee Cantex Inc.; Certificate of Compliance; Certificate of Service (Appellee)
32. 14-Nov-2016 FILED: Motion For Procedural Order Extension Of Time To File Appellants Reply Brief; Certification of Service (Appellant)
33. 15-Nov-2016 ORDERED: Motion For Procedural Order Extension Of Time To File Appellants Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-28-2016 to Monday, 12-19-2016. Melina Brill ProTem Judge - Author
34. 8-Dec-2016 ORDERED: Motion For Procedural Order To Include Transcript Of Attorney Fee Hearing In The Record On Appeal (Appellant) = GRANTED/supplementing the record on appeal with the certified transcript of the 01/29/2016 proceeding, which is included in the appendix to the opening brief. Melina Brill ProTem Judge - Author
35. 19-Dec-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Certification of Service (Appellant)
36. 5-Jan-2017 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
37. 10-Jan-2017 ORDERED: Request for Oral Argument = GRANTED. Oral argument will be scheduled in the normal course of the court's civil appeals calendar, and the court will notify counsel of the date. Hon Michael J Brown - Author